

# EXHIBIT 9

**In The Matter Of:**

*CHAE BROTHERS, LIMITED LIABILITY COMPANY, ET AL. v.  
MAYOR AND CITY COUNCIL OF BALTIMORE, ET AL.*

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*MELISSA HYATT*

*January 5, 2021*

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IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF MARYLAND  
NORTHERN DIVISION

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CHAE BROTHERS LIMITED  
LIABILITY COMPANY, Et Al.,

Plaintiff,

v.

MAYOR & CITY COUNCIL OF  
BALTIMORE, Et Al.,

Defendant.

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: CASE NO.:  
: 1:17-CV-01657-GLR  
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Tuesday, January 5, 2021

Deposition of

MELISSA HYATT,

a witness called for examination by counsel for the  
Plaintiffs, pursuant to Notice, at the offices of  
the Baltimore County Police Department Headquarters  
located at 700 East Joppa Road, Towson, Maryland  
21286, commencing at approximately 10:00 a.m.,  
there being present on behalf of the respective  
parties:

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1           A     I wish that I had more detail to tell  
2     you.  You know, a lot of this is third-person,  
3     fourth-person for me.  I was not in the middle of  
4     the intelligence briefings or the investigative  
5     components.

6                     But there certainly were conversations  
7     about agitators or people from other cities or  
8     other places that were coming into Baltimore City  
9     with the purpose of inciting violence.

10          Q     Were there any specific agitators that  
11     were brought to your attention or generally brought  
12     to the police department's attention?

13          A     I mean, I do recall one name that, you  
14     know, came up several times.  That was Malik  
15     Shabazz.  I know that there were other names.  I  
16     just don't recall the other names.

17          Q     Okay.  I mean, are we talking about one  
18     or two agitators that were brought to your  
19     attention?  Or were there multiple agitators that  
20     the department was, say, concerned about?

21          A     You know, I think that -- and this is  
22     broadly speaking -- we were just concerned in

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1 general. You know, we were concerned about people  
2 coming into the city that didn't have a home or a  
3 vested interest in Baltimore City and wanting to  
4 destroy it for the sake of being destructive. We  
5 were highly concerned about that.

6 Q Where did that concern originate from?

7 A Well, certainly, you know, prior to that,  
8 we'd seen that happen in other cities. I don't  
9 remember some of the specifics.

10 But I know that, you know, we had had  
11 some conversations with allied law enforcement in  
12 other cities to try to see when, you know, there  
13 would be different protests in different places, if  
14 there were concerns about, you know, any agitators  
15 coming to Baltimore. That was always a concern.

16 Q Did those other cities also include  
17 Ferguson?

18 A I couldn't tell you, because I wasn't  
19 involved in those detailed conversations about  
20 specifics intel-wise. Like I said, when I got  
21 information, it was generally third- or fourth-  
22 person. At the time, I didn't have a clearance,

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1 escalating up to that point, do you recall there  
2 being any discussions where the possibility of  
3 rioting was discussed? Where it was stressed,  
4 "Hey, we've got to do what we can to avoid a riot."

5 A To be perfectly honest with you -- and I  
6 don't recall ever reading this. Perhaps I did.  
7 Perhaps I didn't. I don't fully understand what  
8 this means, "We must avoid any attempts to create a  
9 riot."

10 So I -- when I read the tone of this, I  
11 think that this was a plea to have leaders,  
12 influential leaders, not buy into some of the less-  
13 than-peaceful activity. But I don't -- I don't  
14 recall us sitting and having a conversation about  
15 how to avoid a riot.

16 We were trying to obviously keep activity  
17 as peaceful as possible, trying to work with  
18 community leaders, community representatives. But  
19 I don't remember us ever having a conversation  
20 about how to avoid a riot. Because to be honest  
21 with you, I don't even know what that means or what  
22 is entailed in that.

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1 Q Okay. Now, why was Malik Shabazz a  
2 specific concern for the department?

3 A I can't tell you -- and I know you  
4 mentioned another name before that I didn't  
5 recognize. There were -- I believe it was D.C. or  
6 somewhere else, there had been some significant  
7 issues with him.

8 He was not an individual that was a  
9 resident or anything else in Baltimore City. He  
10 was quickly identified as, what we talked about  
11 before, as potentially being an outside agitator.  
12 And some of his background in things like that were  
13 certainly outside of what we were used to with out  
14 demonstrations.

15 Q Okay. You referred to the source of  
16 concern being information about something that  
17 happened in D.C. and also his background. Could  
18 you go more into depth about what you recall about  
19 those two things?

20 A Yeah. And I actually -- I flipped past  
21 some of this, because I know it triggered some  
22 things in my mind. I want to say that he had given

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1 deliberate and inflammatory speech in Washington  
2 D.C. But I believe that there was something  
3 somewhere else. I don't think that that was the  
4 only location.

5 And his role with the New Black Panthers  
6 and knowing that organization to have a reputation  
7 as being a violent organization, you know, these  
8 were all things that -- we have a lot of  
9 demonstrations in Baltimore City.

10 We didn't have demonstrations that  
11 brought people like this with the true potential  
12 not just for violence, but to be able to draw  
13 people and have an influence on people. So that  
14 was very concerning.

15 Q Okay. When you say the possibility of  
16 drawing people -- drawing people to do what,  
17 exactly?

18 A Well, you know, I think that our concern,  
19 knowing that a lot of our demonstrators were young  
20 -- many of them weren't even adults. And  
21 oftentimes younger people are very influential --  
22 easily influenced.



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1           And we had a lot of concerns that he  
2       would be somebody who would have the ability to  
3       draw a lot of young people around him and be smart  
4       enough not to probably do things himself to get  
5       arrested.

6           But because we already knew that we had a  
7       lot of young people that, at that point, after the  
8       death of Freddie Gray, were not happy with police  
9       in general, were certainly not happy with Baltimore  
10      City Police Department, that this would be kind of  
11      a recipe for a lot of concern for us.

12          Q     Sure. Now, drawing young people to  
13      peacefully protest and exercise their First  
14      Amendment rights -- I mean, that wouldn't be a  
15      concern, right?

16          A     Not at all.

17          Q     So I mean, when you say that there were  
18      concerns that he would draw in young people, I  
19      mean, what were those concerns? Drawing young  
20      people to do what?

21          A     To injure people, to destroy property. I  
22      know that with some of the rhetoric that he's been

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1 associated with, a lot of it had to do with  
2 violence against police officers. So there was a  
3 lot of general concern.

4 Q Understood. And to your knowledge, did  
5 Malik Shabazz end up coming on Saturday, April  
6 25th?

7 A He did. Chief Hyatt, I'll be giving you  
8 an exhibit marked as 30, which is an email produced  
9 by the City as CITY00007701.

10 (Whereupon, a document was marked for  
11 identification Hyatt Deposition Exhibit No. 30.)

12 BY MR. HWANG:

13 Q So it's an email sent on Friday, April  
14 24th, at 2:41 p.m. And actually, I'm going to be  
15 giving you a second exhibit as well. This one  
16 marked as Exhibit 31, also an email produced by the  
17 City as CITY00007422.

18 (Whereupon, a document was marked for  
19 identification Hyatt Deposition Exhibit No. 31.)

20 BY MR. HWANG:

21 Q Now, you received both of these emails,  
22 right? Exhibits 30 and 31?

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1           A     It appears that I did.

2           Q     Okay. What do they reflect?

3           A     These emails both reflect plans for mass  
4 arrests.

5           Q     Now, are specific plans, as reflected in  
6 30 and 31 -- are they plans that are always in  
7 place for mass arrests, or were these specifics  
8 plans specific to that time period?

9           A     I don't remember if it was at that time  
10 period or if it was prior to Freddie Gray. Because  
11 we had some significant demonstrations in Baltimore  
12 City prior to Freddie Gray after the activity in  
13 Ferguson.

14                   But we created a high-volume arrest plan  
15 knowing that there might be a possibility that we  
16 might have to place a large number of people under  
17 arrest. And our basic -- the way that we manage  
18 basic arrests, kind of ones and twos, would have  
19 been insufficient to have done this in an organized  
20 fashion.

21                   Making sure that we knew who we were  
22 arresting, making sure that we were, you know,

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1 the plan would be to close the gates. Can you  
2 elaborate on that? What need would there be to  
3 close the gates?

4 A So without me having this conversation  
5 with then, I think, Major Schluderberg, it looks  
6 like he's saying basically, if activity starts to  
7 come near the stadium, all the patrons are inside  
8 in their seats.

9 One of the things we're very fortunate  
10 about is both of -- well, at the time. I'm  
11 obviously no longer employed there. But that both  
12 of our stadiums in Baltimore City, the Professional  
13 Football and Professional Baseball, are very secure  
14 stadiums.

15 And so if we're having major issues  
16 outside, and if we were to then close the gates,  
17 then we would be able to keep the people inside  
18 safe.

19 Q Okay. Would closing the gate be more for  
20 the purpose of keeping the people inside, inside,  
21 or keeping the people outside, outside?

22 A It would be for keeping the people inside

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1           And then the planning section took what I  
2     had, and then they turned it into the components  
3     that needed to be added. You can see we've got  
4     rosters with the cell phone numbers of our folks,  
5     of -- probably mutual aid is probably in here --  
6     maybe in here somewhere. Just some of the platoon  
7     structures. So they took it and they formalized it  
8     and made it more robust.

9           Q     Okay. Now, with mutual aid partners that  
10    you just mentioned, I would assume that at this  
11    point unified command was activated. Is that  
12    correct?

13          A     I'm sure it was.

14          Q     Now, as unified command is activated and  
15    you start drawing out these incident action plans,  
16    what was OEM's role? And by "OEM," I mean the  
17    Baltimore Office of Emergency Management.

18          A     So Office of Emergency Management was  
19    right in there with us in the Command Center. They  
20    were usually within an arm's distance away. If  
21    there were things that we needed, whether it was --  
22    they helped us a lot with logistics.

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1           They helped us organize some of the  
2 personnel requests, where people were going, people  
3 were coming in. They had a significant role when  
4 the National Guard was deployed. They created an  
5 added jurisdiction staging area, which was a  
6 significant undertaking.

7           They brought in IMT resources from, I  
8 think it was, like, Pennsylvania to be able to  
9 provide some assistance for planning. So they were  
10 really a strong suport function and helped really  
11 pull our emergency resources together.

12         Q     So I mean, as these protests are  
13 escalating and mutual aid starts coming in, you  
14 have a lot of different hands in the pot, so to  
15 speak.

16           You know, you have the Police Department  
17 for Baltimore City. You also have the Baltimore  
18 City Fire Department, other agencies within  
19 Baltimore City, and then mutual aid that's coming  
20 in.

21         A     Absolutely.

22         Q     Would you say OEM was kind of the

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1 spoke about this last time. We knew that people  
2 were protesting the police. And so there were  
3 times that if we had a group that was protesting  
4 peacefully, even if they're in the middle of the  
5 street and they're walking, that we realized that  
6 if we were on top of them, that that just made the  
7 crowd angrier.

8 But if we pulled back a little bit and  
9 just, you know, continued to monitor them and walk  
10 with them or shadow them, that they would have  
11 their demonstration and it would be far less  
12 contentious.

13 So it wasn't "give them space." It was,  
14 "We've got to be smart about where we place  
15 ourselves in these things." And to be perfectly  
16 honest, part of the reason -- we were talking about  
17 Lieutenant Colonel Russell before.

18 We started utilizing his people. I think  
19 at some point we put them in soft clothing instead  
20 of uniforms, even though it still identified them  
21 as police.

22 So that they could start to engage with

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1 out. We didn't have the resources to go in and  
2 extract some of the individuals that were doing  
3 this property damage.

4 While I don't like property damage, we  
5 hadn't had any major violent clashes at that  
6 moment, and we didn't have the resources to do  
7 these extractions.

8 Fortunately, at the time -- and this was  
9 before body-worn cameras -- but we had video  
10 cameras out. And you may remember after the unrest  
11 ended, there was a lot of follow-up investigatory  
12 work, a lot of warrants that were sought.

13 Because we weren't going to let people  
14 get away with what they were doing. But we had to  
15 weigh out public safety and officer safety when we  
16 were making these decisions.

17 And, you know, a couple of kids smashing  
18 out a couple of windows when we didn't have the  
19 resources to do what we needed to do -- you know,  
20 you have to decide, is it the right time to engage  
21 or is there a different time to do it?

22 Q Sure. So for officer safety and for